

GAU 2874

TRANSMITTAL LETTER		
Serial No. 09/365,118	Filing Date July 30, 1999	Examiner Unassigned
Inventor(s) Dieter Michel et al.		Case No. 56/327 Group Art Unit 2877
Title of Invention ROTARY POSITION MEASURING SYSTEM		

TO THE ASSISTANT COMMISSIONER FOR PATENTS


Transmitted herewith is Supplemental Information Disclosure Statement and Copies of Five (5) cited references; Form 1449, and post card.

- ☐ Small entity status of this application under 37 CFR § 1.27 has been established by verified statement previously submitted.
- ☐ A verified statement to establish small entity status under 37 CFR §§ 1.9 and 1.27 is enclosed.
- ☐ Petition for a _____ month extension of time.
- ☐ No additional fee is required.
- ☐ The fee has been calculated as shown below:

				Small Entity		or	Other Than Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	Rate	Add'l Fee
Total		Minus			x \$9 =		x \$18 =	
Indep.		Minus			x 39 =		x \$78 =	
First Presentation of Multiple Dep. Claim					+ \$130 =		+ \$260 =	
					Total add'l fee	\$	total add'l fee	\$

- ☐ Please charge Deposit Account No. 23-1925 (BRINKS HOFER GILSON & LIONE) in the amount of \$_____. A duplicate copy of this sheet is enclosed.
- ☐ A check in the amount of \$_____ to cover the filing fee is enclosed.
- ☒ The Assistant Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this communication or credit any overpayment to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.
- ☒ I hereby petition under 37 CFR § 1.136(a) for any extension of time required to ensure that this paper is timely filed. Please charge any associated fees which have not otherwise been paid to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.

Respectfully submitted,


 John C. Freeman
 Registration No. 34,483
 Attorney for Applicants

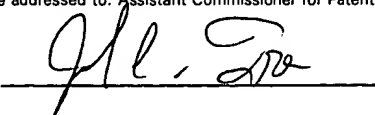
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 (312) 321-4200

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope with sufficient postage addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on December 22, 1999.

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John Freeman, Reg. No. 34,483

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Examiner: unassigned

In compliance with Applicants' duty of disclosure under 37 C.F.R. § 1.56 and in conformance with 37 C.F.R. §§ 1.97-1.98, Applicants hereby submit the following references for consideration by the Examiner. Copies of all of the references, except European reference no. 0 163 362, are enclosed along with a completed copy of Form PTO-1449. A copy of the '362 European reference was previously supplied with Applicants' Information Disclosure Statement of September 10, 1999.

I. DISCLOSURE

A. U.S. Patents

<u>Patent No.</u>	<u>Inventor</u>	<u>Issue Date</u>
5,079,418	Michel et al.	01/07/92
5,336,884	Khoshnevisan et al.	08/09/94
5,451,776	Kolloff et al.	09/19/95

B. Foreign Patents

<u>Reference No.</u>	<u>Country</u>	<u>Pub. Date</u>
0 163 362	EPO	12/04/85
0 564 683	EPO	10/13/93
0 577 104	EPO	01/05/94

II. DISCUSSION

A. U.S. Patent No. 5,079,418

The '418 patent was cited as an A-type reference in a search report in European Patent Application 99 11 3954, the European counterpart of the above-mentioned application. An A-type reference is not relevant to patentability and provides technical background information.

B. European Reference No. 0 163 362

The '362 reference was cited as an A-type reference in a search report in European Patent Application 99 11 3954, the European counterpart of the above-mentioned application.

C. European Reference No. 0 564 683

Based solely on the drawings and an English-language database abstract, the '683 reference is pertinent because it appears to disclose an opto-electronic displacement, angle or

rotation measuring device that has an illuminated code carrier, aperture stop, and opto-electronic sensor with chip mounted on a stop plate. The device includes an illuminated or through-illuminated code carrier (4) with alternating dark and light fields on at least one code track, a stop (7) with corresp. transparent regions and an optoelectronic sensor (13) receiving light via the stop. The plate-shaped stop carries an optoelectronic semiconducting chip (13) as the sensor on the side remote from the code carrier and with contacts (15, 16) facing the plate. The stop has electrical conducting paths (13, 14) in contact with the chip contacts.

The '683 reference was cited as an A-type reference in a search report in European Patent Application 99 11 3954, the European counterpart of the above-mentioned application.

D. European Reference No. 0 577 104

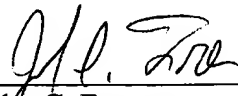
The '104 reference was cited as an A-type reference in a search report in European Patent Application 99 11 3954, the European counterpart of the above-mentioned application. It is believed that U.S. Patents Nos. 5,336,884 and 5,451,776 correspond to or are related to the '104 reference.

III. CONCLUSION

It is believed that none of these references, alone or in combination, disclose or suggest the invention claimed. However, Applicants wish to make it clear that the disclosure of the above references is in no way an admission that they qualify as prior art. It is Applicants' desire, however, to have these references available in the record for both the Examiner and the public to

see. Applicants therefore request that the Examiner review the entire disclosure of each reference and make the above-listed references of record.

Respectfully submitted,



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Dated: December 22, 1999